G. R. S. IX-5]

R.7.126-

Previous references.

1891-92

~~191~~ .

(L.R.)

File No. 103 of 91.

Serial Nos. 1-6.

Later references.

dR 29-27- 5, 11, 31 137

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4

M. ~~Part~~ B for Jan, 1893.

SUBJECT.

Remission of Chowtayi assessment on lands belonging to Naiju Gowda and others in Chikballapur Taluk.

W D 88—GPB—50,000—24-7-16

12 11

Respectfully submitted

Le franchissage en cette
journée le 10 décembre courant
(10 décembre courant)
le soussigné soussigné
le dixième jour de ce mois
le dixième jour de ce mois
les deux soussigné
le soussigné soussigné
(cette unique fois depuis
comme le susdit susdit
et susdit susdit 2749/053
date 7 janv 85)

Le soussigné soussigné
le 10 déc 84 susdit
était sous sous-entendu
déjà était le soussigné
Monsieur le sous-signé
le sous-signé

Le susdit susdit susdit
susdit susdit susdit
le 3 Feb 85, était le
susdit susdit susdit
susdit susdit susdit
susdit susdit susdit
susdit susdit susdit
susdit susdit susdit
susdit susdit susdit

Non - Receipt of
the above notice -
Sir I am directed
that the Commissioners
regret the shortage
in receipt caused by
failure of the Bank
to effect payment -
Cheque placed on a
different Bank -
Yours

This was the Appeal
Sept Main Revision
List

Sirs I acknowledge that
Major Keating on the
Cheque Roll is now
Mrs Barrett & the Name
Mrs Barrett is well
known to this Office
that I am in receipt of
this Cheque as
Mrs Barrett

which could be lessened by deepening the tank in question and is of no special importance, ~~but~~ that as the tank irrigates Mr Saunderson's farm work should be demanded from the owner and that the work must be constructed at Govt cost. (vide memo 93/2/88) Colonel Bowen made an estimate of the extent of land irrigated from the tank and remarked that if there was none Govt not disposed to do the work proposed doubling on the area (order on the said memo 97/2/88). The Supt Engr after reference to Executive Engr stated that apparently 29 acres of occupied Sirkar land assessed at Rs 156 were irrigated from the tank in addition to 33 acres of the owner (note 22/3/88 on Exec. Engr's letter No 953 16/2/88). Colonel Bowen thereupon said:— "I agree to our doing the balance of work still required" — Thereupon the Supt Engr told the Exec. Engr that no further work should be demanded from the owner, and called for an estimate. (Order No 658 23/3/88). The Exec. Engr in the annual report accompanying Estimate said — "This tank is a Chowtkayi tank and the Chowtkayidar has done considerable

(Letter
Dated [illegible]
to Executive Engr
Circle Northern
Division
No 953 16/2/88
Supt Engr Circle
Northern Division
No 658 23/3/88
Executive Engr
Circle
Northern Division
Note 22/3/88
recorded)

2

amount of work to the bund and sluices - The remaining work has been decided (in the above Supt. Surveyor's docket 658) to be done by Government" The Supt Engr in submitting the above to the Secretary D.P.W. noted that. "it was decided that Govt should pay for the weirs of this private tank as only a portion of its water was held in reserve for irrigation by the owner" and added that extensions of bund had been provided for, for further safety. The D.P.W. Secretary accepted the above and instructed further addition to the bund, remarking "it would not cost much" (Exec. Engr docket No 322 93/88) A revised estimate was sanctioned and the Dy Commr was informed by the Supt Engr that it had been decided that the balance of work should be carried out at Government cost, it having been ascertained that a large proportion of the lands under the tank is Crown & that a large amount

of earthwork and turfing had been carried out by the owner. (Docket No 2665 of 9/6/88) The Exec. Supt next wrote to the Supt & Engr-Insp — "At present liability (of the owner) is only for its upkeep. This liability must date from the present owner has fulfilled and more. Major Pilkington has also inspected the tank bottle work done by the present owner - the improved weir is now proposed to be built by this Deptt, and it seems hard that the owner should be called upon to pay for it. In my opinion Govt ought to bear this cost... I have made this reference so that the matter may be definitely settled and recorded to prevent future interference with vested right which do not appear to have received fair consideration. (Letter No 440 of 13/7/88). On submitting the above to the D.P.W. Secretary the office made the following note — "This point has already been decided. Please see para 1 of this office No 658 of 23/2/88 to E.E. Kolar and No 2665 of 9 ult. to Dy Com. - May the Engr be

Pl see the matter from the Engr's point of view & the Govt point of view.

SD

referred to the former reference..", and Colonel Bowen endorsed thereon "Yes". The Executive Engr was informed accordingly and it was added "The full amount of Estimate (Rs.978) for the work was therefore appropriated from P.W. Budget"

From the above it seems that the last Receipt was date when which the Engineering Officer proceeded away from Colombo, for Colonel Bowen's sanction or decision, it is stated is on the decision of the Government, that the above was be done by Govt and not by the Railway, that the decision was re-iterated; and that the Govt spent the money without looking forward to its return and irrespective of the condition of the tank then. It is a question for consideration whether this branch of the Govt office should not accept a decision announced in the P.W. Secretariat.

I have ventured to submit the foregoing facts for consideration not feeling sure that they were in view when the marginal notes & orders were passed.

If the decision of the P.W.

Secretariat be accepted, the question which remains for consideration seems to be from what date the remission of one fourth assessment should be granted, and with reference to which of the lands under the tank.

6/1/93

The Chairman
I presume we
may refer
the Lands
in question in
the perusal of
Petn Cashew
Company Limited. Is I
not so?

10/1

The Secretariat
have noted
this fact in
the Memorandum.

The matter might not
be brought before
Council today. The
necessary file would be
given immediately
on

10/1

4

Nilangi grants

Kuppahalli private land near Mandi, Chikballapur Taluk.

Re 3099 9/5/12/83

The petition received from — Venkatagowda & Kadiri Reddi of Kuppahalli praying that certain lands under the Kuppahalli Tank which were in the enjoyment of their forefathers Nanjegowda may be restored to them, being referred to the Dy. Comr. he reported that — during the year 1809, Venkatagowda, Kadari Reddi & Nanjegowda — undertook to restore the ruined land of Kuppahalli near Mandi at their own cost, under orders of the then Dy. Superintendent Mr. Krishna, the first of them having ½ share of the cost & the last two having ¼ share each. The assessment imposed was Rs. 10 per candy. They was subsequently reduced to Rs. 8

× Letts No. 1389/552 9/26/2/85

× Chief Comr's Letts No. 2057/103 9/4/5/84 to the Superintendent, Chandy Droog District

and the revenue of the land were
also to receive water cess or the
difference between the wet & dry
assessment or a share of the crop
under the Dalaya system from the
occupants of dry lands irrigated by
the water of the said tank. Subsequently
Venkatagowda relinquished some of
his holdings & transferred the rest to
others from whom Thangegowda
purchased the same, taking in due
course the lands relinquished by
Venkatagowda. The Thangegowda
is said to be entitled to 3/4 share of Hudare
Pieche 1/4 share of the lands below
the said tank. There is no evidence
on the record to support the petitioners'
allegation that Thangegowda induced
them to relinquish some of the lands
and obtained them without
their knowledge to the detriment of
their interest. Petitioners themselves
have given deposition before the
Deputy Commissioner of Tumkur that
that they do not want the lands in

5

Nanjegowda forewarn d that the water cess levied by Nanje gowda from the holders of dry land below the tank may be ordered to be paid to them (petitioners) proportionately.

2. The land below the tank were charged with full assessment during the survey settlement in 1883, and the question of partial remission of assessment in favor of ryots of the tank was reserved for consideration after the tank was reported to have been repaired.

3. The tank is important being situated South pinnacle series of its water is used by thousands of people & cattle. The ryots being in distress, the tank was neglected & they failed to repair it though repeatedly warned.

The Deputy Com, therefore, proposed that in case the petitioners did not repair the tank within 3 months, the tank might be removed from jurisdiction of D.P.W. either permanently or on condition of restoring it to the latter concerned on payment of cost incurred by the

by 1/3rd with interest at 6 per cent.

4. The petitioners were, thereupon, informed that since they had voluntarily resigned the land now in their possession, they declined to interfere in the matter. At the same time, copy of the Dy. Com's letter was sent to the S.P.W.D. for information & action with reference to his (Dy Com's) remarks on the neglected state of the tank.

To Petitioners Thro' the Asst to Comm. Kolar

5. The Executive Engineer, Kolar, was asked to report as to the area irrigated by the tank & the approximate cost of restoration.

6. After some correspondence between the Dy. Com & the P.W.D. Department as to recovering the tank, the Executive Engineer informed the Dy. Com that it would be convenient if the Rev. Department took charge of it & that it would save further trouble arising from the owners setting forth any claims.

7. The Deputy Com reported to the Secretary, P.W.D. that the owners had in the meantime, executed a sale portion

× Lr 6732 / 316 dt 10/3/85

7 The Superintending Engineer's memo Lr 1096 dt 11/3/85 in the file of correspondence received from that Officer and his letter Lr 803 dt 18/2/92

× Lr 725 dt 28/11/87

Lr 1522 / 446 dt 29/12/87

portion of the repairs & collected only for putting the work in order & obtain definite instructions as to who should take charge of the tank.

8. In the meanwhile, the Executive Engineer reported the details of certain irrigated by the tank in question & it was ordered that no further work on the tank should be demanded from the owners as he had already incurred a great outlay for its repair, and the Executive Engineer was required to submit an estimate for the execution of weir & scour of bund.

9. On receipt of the estimate called for, it was decided that Govt should pay for the weir of the tank in question as only a portion of its ayakat was held on reduced assessment by the ryotwars of the tank, and Rs. 928 were sanctioned for case meeting a part of weir & completing the balance of work.

10. The Deputy Com., Kolar, with his No 2749/653 dt 7th January 1892, submitted a Memo on the private tanks now owned by Chetty people & Vadari heads in the proportion of 3 1/4 annas 3/4

× No 655 dt 23/2/88 from the Superintending Engineer to the Executive Engineer, Kolar.

The D.C. had certain of the tanks repaired during the year. The Revenue employed were given to understand that in such cases in which proprietors contribute per centage on the estimate amount for the repairs, they are not claims to exemption of payment similar from private persons.

× No Ext No 2865 dt 9/6/88 from the Superintending Engineer to the Dy. Com. Kolar.

× No 2664 dt 9/6/88 from the Superintending Engineer to the Executive Engineer, Kolar.

remission of ¼ assessment from
the current year 1891-92. (While petitioner
claims remission from 1883-84
on which Survey settlement of the
Taluk took place). He further states
that his predecessor Sy. Abdul ~~Rahiman~~
Rahiman ~~had made a report in the~~
was of opinion
~~by Revision~~, that the ryotwars
could not claim remission to the
full extent without paying the amount
spent by Govt on the land, while
Executive Engineer ~~thinks~~ thought and they
could not
~~cannot~~ be made liable for the outlay
incurred
(Rs. 883-7-3) was ~~disputed~~ on account
of an unproved acct. ~~that he (Sy.~~ the Dy. Collr's observations
Concerning the opinion of the Sub Engineer
~~Com.) is also of the same opinion~~

11. In reply, the Dy. Collr was asked × File Office No 13006/341 Dy. 4/12/92
to give full information with regard
to certain points of the law connected
the fair ~~connected~~ with the land in
question as also the Circumstances
Sub. Division Officer's replies to the
points raised, which are to the following
effect.

(a) "That the land under this Inam
land owned by strangers & were

7 assessed in 1867 at Rs. 10 per canny & subsequently reduced to Rs. 8 on account of ¼ annual remission (¼ th of 10 is 2½ & not 2 as detailed in records).

No Nuthabadee was taken from the restorers who are stated to have spent nearly 500 Rs. on the tank. The Executive Engineer says that the restorers have spent at least Rs. 2000 on it. The P.W. Department have spent Rs. 863 on the same.

(b) The total irrigable area & assessment are as follows:-

previous to Survey settlement		after Survey settlement	
K. K. P.		A. g. y.	
35 - 18 - 5¼ assessed at (or 74-8 acres)	Rs. 290 14-5	99-13 assessed at	Rs. 609.

⊗ a- g.
46-19 held by restorers of the tank
39-13 ditto — others —
13-21 Land lying waste
99-13 (as per accounts of Khas)

× Held	Area	assess
Kyatties	46-19	220-12
Byattees	39-13	235-12
	85-32	526-8
Waste	13-21	83-8
	99-13	610-4

Rent assessed at Rs 526-8 for the fasles preceding the year of Survey settlement - Rs 526-8
Remarks Nil

4 | 526-8
131-10 Chowkeri
Rent permanently
Remitted

(c) The water rate paid to restorers by the holders of dry lands under the tank from the year 1875-76 to 1882-83, amounts to Rs. 120-9-6.

(d) During Survey settlement no — concession was shown to the restorers owing to their neglect in keeping the tank in good condition. Hence, the occupants discontinued payment of their share of canday cess (water cess) to

the restorer.

(E) The question of partial remission in favour of restorer seem not to have been referred to the Survey Department as the tank in question was not then in good order & its repair had been undertaken by the P.W. Department."

(F) The Sub. Division Officer also stated that the records do not show what transfers between the restorers of the tank & the Government when the former undertook the repairs of the tank.

Submitted for orders with reference to the re-communication made by the Commissioner in para 5 of his letter No. 2742/65-3 dated 7th January 1902, for the remission of 1/4th assessment on the lands irrigated from the water of the tank.

14/6/02

Submitted

In 1867, Nanje Gowda, Kadira Gaudity and another undertook to restore the ~~Kuppahalli~~ Tank, ~~Kuddaiappa's~~ said at their own cost. They completed the work at an outlay variously estimated at 2500 to 4000 Rs. The Dy. Comm^r imposed an assessment of Rs. 8 per Khandi on the lands under the Tank, but on appeal, the then Chief Comm^r Mr. Bowring reduced ~~at~~ the rate of assessment to Rs 8 per Khandi in consideration of the heavy outlay incurred by the restorers of the tank. In his letter No. 2584 dd. 4th August 1869, Mr. Bowring observed that Rs 8 per Khandi was more appropriate, "thus making a reduction of 1/4"

The intention evidently was that the restorers of the tank should be granted the benefit of 1/4th reduction of assessment contemplated by the Rules of 1863, governing grants of Waste Lands for Tanks. At present, Nanje Gowda owns 3/4th and Gadira Gaudity 1/4th of the right in the tank.

Under section 4 the Land must be granted as a Private Inheritance. Tank must be kept in due repair and supplied ~~with~~ with the requirements of the land irrigated by it & on the other hand owner is to do all that is necessary to keep the tank in an efficient condition - (3)

This is immaterial to Govt - Ed

The tank was neglected by Nanjapanda Khan Majesty ~~was absent~~ left after considerable delay, it is now reported to have been brought to efficient condition - Between 1888 & 1890, the Dy. C. recommended certain works to the tank costing Rs 704. 13 3.

The Tank having been in a condition of disrepair at the time of the Settlement, the Survey Supdt. did not take cognizance of the abolition of Nanjapanda Khan Majesty for remission of 1/4 assessment.

The Dy. Comm^r recommends that the concession of 1/4 remission, if sanctioned, may take effect from the year 1891. 92.

Mrk
18/8/92

Sanctioned, if funds are available.

The tank must be bunded better as a private work & as a protective work the former case 1/3 the latter 1/4 the amount will be granted

The names of the tanks whose assessment is liable to remission of 1/4 on account of disrepair

Precis of correspondence connected with the question of remission of 1/4 assessment on tanks under the ~~Nanjapanda~~ Nanjapanda private tank in the Chikballapur Taluk

9

by the Dam & by owners.
Govt. held (whether
by the owners of the Dam
or the water rights) & these
owners are liable to do
all that is necessary to
keep the Dam in an efficient
condition — In
the latter case (i.e. if the

Expended in repairs to the Dam) the Mortgage
Debt is due and the Dam
Will be maintained &
Entirely by Govt. — this
third course seems not
[illegible] question [illegible] that
affecting the Dam
[illegible] private
[illegible] the [illegible]
[illegible] of the
[illegible] equal
Mortgage as is [illegible]
[illegible] which
[illegible]
[illegible]

This cannot
be done
[illegible]

(As contemplated
by the [illegible] [illegible]
on 15 [illegible]
his note —)

In the present case
the Claim [illegible] of the
Mortgage are bound
[illegible] the
Cost incurred by Govt.
owing to the laches of
the former — If they will

[illegible]
[illegible]

10

has expressed his sympathies
to the Executive during
the last year and during
the Municipal Election
for Election 1883-84 (the
Year in which the Division takes
place) [illegible] under the
Act that Municipal Act
applied the Corporation
[illegible] Election may be
held on the second
Monday in the month
of January in the year
1884.

(Data copied calculation
the Division Lists from 83-84 &
the amount (.31 x 3 =) 1048 lbs -
The Duty on Tea is not
Specifically there is no
Specific Duty - [illegible]
the Conference it is decided -
- Moved by Jeeny - Seconded
On the Motion by [illegible]
the Cost of Tea in the
Office - [illegible] the Municipal
Election for the year 1884 -

Dear Sir

Yours faithfully

Secretary

Read 4/1 5-30 P.M.

Secretary

Dear Sir

Yours faithfully

14/1

(General Serial No. 31).

189 .

From The Deputy Commissioner
Kolar district

To

The Chief Secretary to the Durbar
of Mysore.

Dated 2 January 1892

Despatched

Received

Enclosures No.

General No. 2749

Pol. No.

Submitting for orders a
memo on Inspectorship
Tank, Chickaballapur Taluk
with observations —

Copy received

Deputy Commissioner's Office,
Kolar District,

No. 2749 and/
603

Dated the 8th January 1892.

To

The Chief Secretary to the
Government of Mysore.

Sir,

I have the honor to submit for orders, the accompanying memorandum on the proposed Tank in the Valuable Hobli of the Chintamani Taluk. It will be observed from the same, that this is a private Tank promoted by Nanjegowda and Kolasi Gowda in the proportions of 3/4 and 1/4 respectively.

2. Much correspondence passed regarding the neglected condition of the tank which has after all been restored to efficient order by Nanjegowda though not without some delay and he claims a remission of 1/4 of the assessment on the lands irrigated by the tank.

3. A cost of Rupees 863-9-3 has been incurred on the tank by Government and it is a question whether this amount should be recovered from the Kalingavadi.

4 My predecessor Mr Abdul Rahman was of opinion that the Ryots could not claim remission to the full extent without paying the money spent by Government on the tank, but the Executive Engineer thinks that they cannot be made liable as the tank was defrayed on account of an improved work and I feel inclined to fall in with the view held by the latter officer.

5. Under the above circumstances, I beg to recommend, that the usual 1/4 remission may be sanctioned with effect from the current year. The concession cannot be granted with retrospective effect on account of great neglect on the part of the Ryots

6. Nanjegowda complains that Kadri Amsetty has not paid his share of the cost of the restoration of the tank and his is a civil matter which the parties must settle by a regular suit.

I have the honour to be,

Sir,

Your most Obedient Humble

Servant

Deputy Commissioner

Dharwar

Kuppahalli Private Tank near Gundi
Chickballapur Taluq. —

Encl to G.O.

In 1867 Ranjegowda, Kadiri Swastri, & Venkatagowda undertook to restore this Tank which was in ruins under the orders of the then Dy: Commr Mr Krishna Iyengar in the proportion of finally noted shares and obtained most of the lands below the tank on a light assessment of Rs 10 per Kandy. This rate was subsequently reduced to Rs 8 under the orders of the late chief Commissioner conveyed in Secretary's letter No: 2584/163 of the 14th August 1869.

1. Venkatagowda 1/2
2. Kadiri Swastri 1/4.
3. Ranjegowda 1/4.

2. In addition to the light assessment it was also arranged that the occupants of dry lands which were converted into wet below the tank should pay the restorers a watercess or a share in the crop under the Batayi system.

3 Subsequently Venkatagowda relinquished some of his holdings and transferred the rest to others.

4 Ranjegowda purchased the holdings of Venkatagowda from his transferees,

transferees and he also obtained in due course the holdings re-linquished by the latter ie. Venkate gowda.

5 Thus Ranjegowda owned 3/4 share and Kadri Shastri 1/4 share in the lands below the tank.

6. The Survey Settlement was introduced into the Taluq in the year 1883. The lands below the tank were charged with full assessment and the question of the partial remission in favour of the restorers under the rules was reserved for consideration after the repair of the tank which was not in good order.

7 Venkategowda and Kadri Shastri lodged a complaint to the Deputy representing that Ranjegowda induced them to relinquish some of their lands which he subsequently obtained without their knowledge to the detriment of their interest and they claimed a proportionate share in the waterrees hired by him from the holders of dry lands.

& This petition was referred to the Dy: Commr for report with Secy's official Memo No: 742 of the 11th January 1883.

2. Mr Soole Rice inspected the tank in person and in his letter (No $\frac{1389}{582}$ dated 23-2-83) reports that the tank was an important one being in the S. Pennar Series and its water was used by travellers passing on the Tumpur & Jayamkota roads as well as by thousands of Cattle & people who come for Nandi Jatra.

That the tank was in a quite neglected state & its bund would be washed away during the next rains.

That although the restorers were jointly and severally responsible for the proper upkeep of the tank they neglected their duty, &

That in the event of their failing to repair the tank within 3 months hence, it might be resumed and transferred to the

D.P.W.

D.P.W. either permanantly or on condition of restoring it to the parties concerned on payment of the cost incurred by Government with interest at 6 Per Cent per annum.

Chief Secy's Memo No. 6731/315 dated 15th March 1883

The petitioners were endorsed that the land which at one time was in their possession and enjoyment having been voluntarily given up by them were taken up by others and the Dewan declined to interfere.

The attention of the Secy: P.W.D. was also drawn to the Deputy Commissioner's remarks on the neglected state of the tank.

The superintending Engineer Called upon the Executive Engr to furnish particulars of area, cost of repairs &c:

The Executive Engineer reports after inspection of the tank by the sub Divisional officer that the owner of the tank

was doing some earth and stone-
work and that he promised to
restore it thoroughly within a
short time.

The superintending Engineer
then stated in reply that the
Deputy Commissioner should
be asked to give the owners
a definite period to repair
the tank and that if they
failed to do so, the tank
should be taken over at once
by the P. W. D. and repaired.

The Deputy Comm^r informed
the Executive Engineer that a
large amount of stone and
earthwork had been executed
by the owner and for the re-
-maining work, a period of 3
or 4 months was required.

No: 165 dated 28-4-87. The Secretary P. W. D.
took great objection to the Dy.
Comm^rs letter to the Executive
Engineer and stated that
if the owner failed to under-
take

undertake the immediate completion of the work, the Dewan was prepared to resume the tank and cancel the favourable tenure.

D.C.: Comm.rs letter No. 360/103 dated 8-6-87.

The Deputy Commissioner submitted to the D.P.W. Secy. a lengthy Explanation in the matter and reported that the work done by the owner was not satisfactory and he advocated the speedy restoration of the tank by the D.P.W. refusing the extension of time asked for by the owner.

D.P.W. Secy's Ltr. No. 4073/810 dated 10-9-87.

The D.P.W. Secretary in his docket dated the 10th September 1887 to the Ex. Engr. requested that officer by s[illegible] of the Dewan, that if the Kuppahally Private tank had not yet been put into a safe condition by the owners, he should at once take charge of the work, and arrange for repairs to the same being

being carried out by the D.P.W.
as expeditiously as possible
and that a report of the fact
of having taken over charge
should be sent in due Course
to allow of orders issuing
from the Dewan's Office re-
-garding the tank being re-
-sumed.

The D.P.W. Secy: in forwarding
a copy of the above Docket to
the Deputy Commissioner inti-
-mated that the Dewan re-
-marked that he had recent-
-ly given full warning to the
owners.

Some correspondence took
place between the Executive
Engr. and the Deputy Commr.
regarding the resumption of
the rights of Ranjegowda
owner of the tank. The Ex: Engr.
pressed the Dy: Commr. to take
Charge of the tank and hand
it over to his Department.

The Deputy Commissioner objected to the measure as the Government order was to the Executive Engineer to take charge of the tank.

Dy: Commr's letter No: 1522/446 dated 29th December 87 to D.P.W. Secy ——.

The Dy. Commr at last reported that the owner of the tank had of late executed at a large outlay the greater portion of the repairs to the tank & that a D.P.W. officer should inspect the work and requested definite orders as to who should take charge of the tank.

The Supdg: Engr's No: 1665 dated 9-6-88 to the Dy: Commr

The superintending Engineer in reply forwarded a copy of docket addressed to the Sn: Engr returning sanctioned an estimate for Rs 928 for constructing a wasteweir and completing the balance of work required to the tank and intimated to the Dy: Commr that it having been ascertained that a large proportion of the

lands

lands under the tank was Sarkar and a large amount of earth-work and turfing having been carried out by the owner, it was decided that the balance of work should be carried out at Government Cost.

The ryots of Kuppahally, Arasanahalli and Immahally executed a Muchalaz on the 26th October 1890 to the effect that the tank which was in ruins was entrusted to Hanje Gowda and others for restoration and upkeep in the year Pabhava (1867-68) and to the best of their knowledge Hanje Gowda spent 4500 to 5000 Rs in restoring the tank. Subsequently he has repaired the tank twice or thrice. In 1888 the D.P.W. appears to have spent about 863 Rs for Kodi and other works by the enterprise of Hanje Gowda much good has been done to

to the ryot as well as to Govt.

Dy: Comm^r's Docket No: 2916/1801 dated 10-1-91.

The Deputy Commr sent this Mahazar to the Sn: Supr requesting his opinion as to whether the work to the extent as therein stated has been executed.

Sn: Supr's Docket No: 255 dated 6-4-91.

The Executive Engineer in reply stated that he could not say what might have been spent on the work by the owners since 1867, but he was of opinion that they had spent at least Rs 2,500 when work was done to it on the last occasion. The weir work was completed at a cost of Rs 563-9-3.

In 1886 an estimate of Rs 2340 was framed by the Executive Engineer but it was not sanctioned.

Sn: Supr's letter No: 540 dated 13-7-88 to the Supdg: Engineer of Mysore —

In para 4 of this letter, the Sn: Supr stated that an improved weir was proposed to be built by the D.P. W^rs and it seemed hard that the owners

owner should be called upon to pay for it and that in his opinion Government ought to bear this cost, and he solicited orders on the subject.

Supdtg: Engr to Reply No: 3428 dated 20-7-88 } The superintending Engineer referred the Hr: Engr to his office No: 658 dated 23-2-88 informing that no further work to the tank should be demanded from the owner, and that the full amount of the estimate Rs(928) for the work was therefore appropriated from the P. W. Budget.

Asstt: Commr to Hemo dated 8-4-90 } Mr Ramanujaiengar who was Jinnal-andi Officer for the Kandi Inspection in 1889-90 inspected the tank on the 16th February 1890 reported that the work had been almost completed, that it was originally a ruined tank and brought to its present satisfactory condition at Con-siderable outlay; that all that

that can be said against the owner was that he at first delayed the work, that he had however done much and succeeded in giving satisfaction to the D.P.W. authorities who decided that no further work should be demanded from him; and that he might therefore be fairly held to have fulfilled the conditions of the original grant and to be entitled to the remission of the ¼ assessment.

That the remission claimed by him from Sivabhanu (1883-84) the settlement year amounted to Rs 437-3-4; that the amount of arrears shown against him came up to Rs 425-8-11, and that a greater portion of the balance was paid by the owner under protest and held in deposit

The Deputy Commr's Remarks on the Memo dated 15-4-90.

This is an old case and has
"to be settled one way or the other.
"Under the circumstances of
"the case, especially in view to
"the fact that the work was
"completed at a large outlay
"of Government money. I am
"not at all prepared to recommend
"the 1/4 remission contended for
"by him unless he pays up
"the Govt: money spent on the
"tank. If he does not con-
"sent to do so, he can in
"justice claim only a pro-
"portionate remission, not
"to say anything of his fail-
"ures to complete the work
"in time. The Asstt: Commr
"should take down his state-
"ment before himself or through
"the amildar and in case he
"does not consent to pay the
"Govt: money the proportionate
"remission (less than 1/4) to be
"fixed on the best available
"data and reported on with
"the whole correspondence"

Amildar's arzi Nos 645 dated 5-1-91

The matter having been referred to the Amildar for investigation, he reported that the owner was not willing to pay the Govt. cost; that because he had spent up to Rs 5,000 for the tank he could not pay anything and that he would have done the work himself if he had been required to do by Government; but he was not called upon to do so. He claims the remission of 1/4 assessment

---

Deputy Commissioner
Kolar District

No 165/23

Secretary to Govt
Emigration Dept
Camp Cataramin
2nd April 1867

From

E. Reid Esq

The Secretary to the Govt
Emigration Department

To

The Deputy Commissioner
Kolar District

Sir

With reference to your No 1826/1196 dated 28th March 1867, to the address of the Executive Engineer Kolar Division, reporting that a large amount of stone and earthwork has been executed to the Kuppahalli Tank in Chickballapur Taluk, by the owners, and that the remaining work cannot be done for 3 or 4 months more, I am desired to call your attention to the fact, reported in para 5 of your letter No 1359/552 dated 26th February 1867, that prior to the 2 date, "repeated orders" had been issued for the immediate repair of the bund, so that the owners have already had considerable time allowed them for the repair of the Tank. The recommendation now made, to allow the work to be delayed for another 3 or 4 months, appears

appears therefore idle to endeavour to suppose the causes in the cessation of their obligations. Their excuse of a "Cyprath crop" is inadmissible, as they neglected to carry on the work when it could have been carried on; and as the Sauk will probably again fill within the 2 or 4 months more asked for, by which time it may be expected that rains will have fallen, it is probable that a "Karthika crop" will be advanced as a plea for a further extension of time.

11th I am to point out that as the Sauk is said to be in a dangerous state, imperilling the safety of the Sauks below, the responsible owners temporizing in this manner cannot be tolerated; and to request that you will at once take the necessary action in the matter, or report your inability to do so with conclusive reasons. The bund throughout is reported to require strengthening and 1/3rd of its length to require raising with retaines. The two bodies require masonry backing walls with rough stone apron—. These bunds of great

Can

Can apparently be all done without breaching the tank. Whether this be so or not, it is important that Engineers be instructed at once as they are required to keep the tank in a Condition of safety. If the owner fails to undertake the immediate Completion of the work, the Lessee is prepared to resume the tank and Cancel the favourable tenure on which the lands under it are held. Upon such resumption, the tank will be restored by the Government, the lands under it being Charged with the full assessment.

I am to add that the nature of the whole of the proceedings in Connection with this Case is Considered unsatisfactory and to request an early and final report on the subject

I have &c &c

Signed. C. Brown Colonel
Secretary to Govt
Bengal Ord.

No 166.
24

Copy forwarded to Chief Secretary with reference to his No 6732/316 dated 10th March 1886.

C. Brown. Lieutenant Colonel
Officiating Secretary
to Govt of Bengal Ord.

Camp
Cossaumdee
28th April
1887

OFFICE OF THE
DEWAN OF MYSORE
-9 MAY 97
8

Folio 1 to 5

Ltr -
23/5/87 R.G.

From

The Secretary to
Government of Mysore
& C. & C.

To

The Deputy Commissioner
Kolar District

Dated Camp Kalasamudra
the 22nd April 1887.

No. 165/23.

Informing that the necessary
for restoring the Kuppahalli
Tank Chikballapur
should not be delayed.

Send for reference
30/4/87 R.G.

Encl. Ltr. dt. 22/4/87
No. 165/23

1/T.10

Information on the above points should be submitted as early as possible together with the complete file of correspondence relating to the tank in question.

B.O.

Pnr'le

14/2/92

(General Serial No. 30.)

1892.

(8(2))

From

To The Dy Commissioner Kolar District

Dated

Despatched 16th February 1892

Received

Enclosures No.

General No. 13005

No. 341

His letter No. 27-47/653 dated 7th January 1892, on the subject of the Kuppahalli Tank in the Chikballapur Taluk, said to have been restored by Nanje Gowda and Kadira Mestri at their own cost.

Request that full information may be furnished on the following points:—

(1) On what terms were Nanje Gowda and Mestri permitted to restore the tank in question in 1867? Any Muchilikas executed at the time should be submitted.

(2) What is the value of the work done to the tank by Nanje Gowda & others from time to time, up to date?

(3) What is the value of work done by Govt?

(4) ~~What is the total area of the tank~~ The total irrigable area under the tank, its assessment previous to subsequent to Survey settlement, the area and assessment of lands held by Nanje Gowda and Kabini Meetri in their own names, and of lands held by other persons and the amount of Water rate paid by the latter to the former under the terms of the late Chief Comm's order of 14th August 1869, ~~and the assessment enjoyed by the same parties.~~

(5) Was the question of partial exemption or reduction of assessment referred to the Survey Dept after the completion of the repairs to the tank and what was the result of such reference?

(General Serial No. 30.)

(813)

OFFICE OF THE DEWAN OF MYSORE
19 APR. 92
29

189 .

From

The Deputy Commissioner Bellary & Adoni

To

The Chief Secretary to the Dewan of Mysore.

Dated 17th camp Kamayyanadoddi

Despatched 18th April

Received

Enclosures No. 2 and 2 files

General No. 246 / 1892-93.
No. 57

His Docket No. 1305/341 dated the 14th February last calling for further particulars regarding Kyatanahalli Tank in the Chikballapur Taluk.

With reference to the above, I have the honor to submit herewith copy of the Chikballapur Sub-Divisional Officer's Docket No. 254 of the 3rd instant together with that of its enclosure a memorandum furnishing information on the several points raised in the Docket under reply.

2 The files of original papers (English and Kannada) on the subject so far as recently sought for are also

Reference
14-4-92
Sir Lechmere
Obl
26-4-92
Preliminary Enquiry
for a/cess
20-4-92

Sub D AK 24/4

Ro 1265/1-3 dt 21/4/92
RT 126-92

To the Dewan
Insp & Rev Gen
Chief Engineer

A
25-4-92

herewith submitted for reference and obliging return when no longer required.

Yours obediently,

Deputy Commissioner

Kolar District

Dear Sir

(General Serial No. 30.)

1892. (3/a)

From The Sub Division Officer
Coimbatore

To The Deputy Commissioner
Kolar District

Dated 31st March 92

Despatched

Received

Enclosures No.

General No. 254 1892.
No.

His docket No: 3306/2114 dated 23rd February 1892 forwarding copy of Chief Secretary's docket No: 3505/341 of the 14th February last calling for further information regarding Kuppamballi tank, Coimbatore Taluk.

In reply, I have the honor to forward herewith a memorandum giving full information on all the points required by the Chief Secretary and to state that the complete files of correspondence relating to the tank question both English and Canarese received with the above, are

Forwarded

(Signed) A. Hodgkinson Major

Sub-Divisional Officer

Copy

[illegible]

Deputy Commissioner

Memorandum

(3/16)

Kuppuraichi Tank restored by Nanjegowda and tank of Kaliyapa Heirs cost

1- On what terms were Nanjegowda and others permitted to restore the tank in question in 1867? Any memorials exhibited at the time should be mentioned

1- This is a private tank owned by Nanjegowda and others - They obtained tank restoration & also assessment free grants in 1867 - This was revised to 3 Rupees last year & no assessment of permission of 1/4 assessment claimed by them -

"Assessment of 13 32/2 Rs and not 2 as recorded by the Amildar or as detailed in the records"

No memorials many items have been obtained from them -

2- What is the value of the work done to the tank by Nanjegowda and others from time to time up to date?

(2) They are stated to have spent 800 Rs for the entire work since done to the tank vide Engee No: 105 dated 5-4-91 in which a Madras drawn on the subject is filed and also Executive Engineer's No: 258 dated 6th April 91 in which he says that at least Rupees 2500 must have been spent -

As regards the condition of the tank before it was given out for restoration Executive Engineer's Gadag No: 222 dated 29-9-90 is silent -

3- What is the value of work done by Government

3- The cost of the work executed by the P.W.D. was Rs 903 -

4- The total irrigable area under the tank at assessment fixed and subsequent to Survey Settlement

4- Before the partial Survey Settlement

A. G. P.
5-14-3 3/4 at Rs 5-2-0 for land held by others
1-17-4 3/4 " " 3-2-0 Wet
28-0-23 " " 23-4-3 held by proprietors -

Re-area and reassessment of lands held by Vayigonda and Kaliemadiya in which the names and of lands held by other persons and the amount of assessment paid finally after the survey settlement under the terms of the Ordinance commissioned under of the Survey 1893.

Survey settlement Survey Settlement.

A-R-	Assessment	
27-15	165-4-00	by others.
11-15	72-00	waste
60-23	37-00	by pastors
99-13	610-00	

Assessment for three years.

57-15	235-12-00	by others
13-21	93-8-00	waste
46-19	290-00	by pastors.
99-13	610-00	

Water paid by persons holding Kandayakara and Dumalasuriya to Vayigonda and others were follows:—

Rs 25-00	for Gunna
15-00	for Dewara
22-40	for Bandhanaya
15-40	for Bamadi
22-50	for Kattanna
4-00	for Kahata
16-40	for Ekkattiwewa
Rs 120-90	

Vide full particulars in the statement attached to Colonial Secretary's Despatch No 239 dated 4th March 1892

"Survey settlement was introduced into the District in September 1893. The lands which were charged with full assessment. No concession was given to the holders for the neglect in keeping the bunds in a good condition. Hence the full amount assessed formerly which alone of navigation to the pastors."

5. Whether instead of partial remission of assessment prayed to the Survey Department after the completion of the repairs to the tank and whether the result of such repairs?

5. No reference seems to have been made to the Survey Department about the partial remission in favor of the pastors for reasons that the bund in question does not do good to the paddy lands which is benefited by the N.W.P.

"What transpired between the prisoners and the Government when they undertook the repair of the bank, is not known and the press did not allude to the matter."

Signed A. Krishnaswamy Iyer
Sub-Division officer

Copy

S. Mudaliar
Deputy Commissioner

(5/c)

List of papers relating to the restoration of —
Kuppahalli Dandi in the Nandi Hobli of the Chik-
-Ballapur Taluk

1. This office letter No 1389/652 dated 23rd February 1888
to the address of the Revenue Secretary to the Dewan
of Mysore.

1. Revenue Secretary's memo No 673/615 dated 10th March 1
1 Public Works Secretary's letter No 165/28 dated 28th April 18
1 This office reply thereon No 360/103 dated 8th June 1887
1 Public Works Secretary's memo No 403/510 dated the 13th
September 1887
1 Executive Engineer's docket No 1536 dated 19th September 18
1. This office docket No 990/687 dated the 22nd September 1887 to
the address of the Executive Engineer, Kolar division.
1. Executive Engineer's reply No 605 dated 12th October 1887
1 This office reply thereon No 120/963 dated the 20th October 1887
1 Executive Engineer's reply No 662 dated 3rd October 1887
1 This office reply thereon No 1310/942 dated 10th November 1887
1 Executive Engineer's letter No 726 dated 28th November 1887
1 This office letter No 1522/440 dt 29th December 18 to the Public
Works Secretary.
1 Executive Engineer's No 13 dated the 3rd March 1888
1 This office docket No 354/1452 dated the 14th March 1888
to the address of the Executive Engineer, Kolar

1 Superintending Engineer's Memo No 2005 dated the 9th June 1888 with 2 estimates for Rs 23-0/- and 7-8/- respectively

1 This office letter No 2916/189/ dated the 30th January 1891 to the address of the Executive Engineer, Kolar Division

1 Executive Engineer's letter No 208 dated the 3rd April 91 to the address of the Deputy Commissioner.

1 This office letter No 27/65-3 dated the 7th January 92 to the address of the Chief Secretary to the Govt of Mysore with its enclosure (1 Memo)

1 Memorandum (in Canarese) dated 20th October 1890.

Dated April 1892.

E Wiseman

Deputy Commissioner,
Kolar District

~~13~~

(814)

Read:-

Letter No. 2749/653 dt. 7th Jan/92 from the Dy. Commr., Kolar District, Soliciting Sanction to the remission of 1/4th assessment on certain Lands owned by Nanjegowda & Kadiramaichy below the Kuppahalli Tank in the Nandagudi Hobli of the Chickaballapur Taluk, on the ground of their having restored the tank.

from the Govt. of 92

Also:-

Docket No. 2461/54 dt. 17th April/92 from the Same Officer, Submitting further particulars on the Subject.

~~~~

Order thereon:-

In 1867, Nanjegowda, Kadiramaichy and another undertook to restore the Kuppahalli tank, and

Sec V.P

No 12661-3 dt. 21-1-93
R.F. 126-92 25
~~~~

completed the work at
an estimated cost varying
from Rs. 2500 to Rs. 4000. The
Dy. Commr. imposed an assess-
ment of Rs. 10 per Khandi
on the lands under the tank,
but, on appeal, the Chief
Commr., Mr. Bowring, reduced
the rate of assessment to
Rs. 8 per Khandi in consider-
ation of the heavy outlay
incurred by the ryotwars of
the tank.

2. The tank having been
found to be in a condition
of disrepair at the time of
the Survey Settlement, the
Survey Supdt. did not enter-
tain the application of
Nanjegowda & Karamachy
for the remission of ¼ assess-
ment on the lands irrigated

by it.

3. The tank is now reported to be in an efficient condition and the D. F. O. also seem to have executed certain repairs to the extent of Rs. 904/13/3 ~~of betterment~~ the owners of the tank are liable to pay the amount to Govt, ~~the Commissioner recommended that~~ but as they are not entitled to the Chowtayi remission from the year of Settlement, the Superintendent recommends that the Govt demand may be foregone & the chowtayi remission granted to them from the year 1891-92

4. Under all the circumstances of the case Govt observe that there has been

no proper return for the
outlay incurred by the
D. F. W. in repairing the
track in question, and
to [illegible] in carrying
pay the cost incurred by [illegible]
sanction the shortage —

Francisco recommended
by the Dy: Commr, with
effect from the year 1891-92

Draft [illegible]

Chief Secretary.

To.
The Dy: Commr.
Kolar with
returning papers.
" Supdt: Mysore
Rev: Survey.
" Chief Engineer
& Secy P.W.D. for
information —